

## **Victim Compensation and Government Claims Board**

### **Proposed Amended Regulation: Title 2, California Code of Regulations, Section 649.11.**

#### **Notice of Proposed Rulemaking**

**Nature of Public Hearing.** The Victim Compensation and Government Claims Board (Board) will conduct a public hearing concerning this proposed rulemaking on April 15, 2003, beginning at 9:00 a.m., at the office of the Board, 630 K Street, first floor hearing room, Sacramento, California. Any interested person or authorized representative may present oral or written statements, arguments or contentions relevant to the rulemaking action described in this notice. The Board may impose reasonable limits on oral presentations. Persons making oral presentations at the hearing are asked to provide their comments in writing at the conclusion of their remarks.

The hearing location is accessible to persons with disabilities. If you need accommodation, including a sign language interpreter, please notify the contact person listed below at least two weeks before the hearing so that an accommodation may be provided.

**Submission of Written Comments.** Written comments other than those presented at the hearing may be submitted to the Board at the following address by the deadline given below:

Victim Compensation and Government Claims Board  
630 K Street, Fifth Floor  
P.O. Box 48  
Sacramento, CA 95812-0048  
Attention: Judith A. Kopec, Senior Staff Counsel

Comments that are no more than ten pages will be accepted by fax at (916) 327-2933. A fax transmission must be completed by the time given below in order to be timely submitted.

Comments may also be submitted electronically to Judith A. Kopec, Senior Staff Counsel at [jkopec@voc.ca.gov](mailto:jkopec@voc.ca.gov) by the deadline given below.

Comments must be received by 4:00 p.m. on April 15, 2003, in order to be considered by the Board.

**Authority Citation.** The proposed amended regulation is authorized by Government Code section 13920(c).

**Reference Citation.** The proposed amended regulation implements Government Code section 13952.5.

**Informative Digest: *Summary of Existing Laws and Effect of Proposed Rulemaking.*** Existing law provides that the Victim Compensation Program (Program), administered by the Board, reimburses eligible persons for a variety of expenses, including medical, mental health and funeral and burial expenses, or income or support losses, that are necessary as a direct result of a qualifying crime. The statutes governing the Program were revised and reorganized, effective January 1, 2003. (Stats. 2002, ch. 1141.) Both the former and new statutes authorize the Board to make an emergency award to eligible persons.

Effective January 1, 2003, the Board may make an emergency award to any person eligible for Program assistance if the award is necessary to avoid or mitigate substantial hardship that may result from delaying compensation until complete consideration of an application. The amount of an emergency award depends upon the immediate needs of the person receiving the award.

Existing law provides that the Board shall establish the method for requesting an emergency award, which may include the submission of a regular application. The Board may grant an emergency award based solely on the application. The Board may refuse to grant an emergency award if there is reason to believe that the applicant will not be eligible for compensation. An emergency award shall be paid within 30 calendar days of the application. This period can be extended by additional 10-day periods by agreement of the applicant or his or her representative.

Existing regulation requires that an application for an emergency award comply with a Government Code section that was repealed effective January 1, 2003.

The proposed amended regulation authorizes an applicant to apply for an emergency award on the Program application. The proposed amended regulation requires the Board to expedite verification of the application and authorizes staff to use telephone and electronic means to quickly obtain necessary information to evaluate an application for an emergency award.

The proposed amended regulation authorizes an emergency award when it is necessary to avoid or mitigate substantial hardship that is the direct result of the qualifying crime. Substantial hardship includes the inability to provide for the necessities of life or to pay for funeral and burial or crime scene cleaning expenses without the emergency award. Immediate financial need shall be determined by the financial assistance needed to avoid substantial hardship before the receipt of regular assistance.

The proposed amended regulation requires that an applicant for an emergency award provide sufficient information to substantiate it is necessary to avoid substantial hardship and there is an immediate finance need as a direct result of the qualifying crime. The amount of the emergency award requested shall be considered when determining the amount and type of required information. If sufficient information is not provided for an emergency award, the application shall be processed as an application for regular assistance.

**Informative Digest: *Policy Statement Overview.*** The broad objective of the proposed amended regulation is to interpret and implement the Board's authority to authorize emergency awards. There are several specific objectives as well, including streamlining the process for applying for an emergency award, and requiring that the substantial hardship and immediate need upon which the request for an emergency award are based are the direct result of the qualifying crime.

**Informative Digest: *Comparable Federal Statute or Regulations.*** The proposed amended regulation does not differ substantially from an existing comparable federal statute or regulation.

**Determination on Imposition of Mandate on Local Agencies or School Districts.** The Board has determined that the proposed rulemaking does not impose a mandate on local agencies or school districts that is required to be reimbursed under Part 7 (beginning with section 17500), Division 4, Title 2, of the Government Code.

**Fiscal Impact on Local Agencies or School Districts.** The proposed rulemaking does not impose a cost to any local agency or school district that is required to be reimbursed under Part 7 (beginning with section 17500), Division 4, Title 2, of the Government Code, or any non-discretionary cost or savings on local agencies.

**Fiscal Impact on State Government.** The proposed rulemaking does not impose a cost or result in savings to any state agency, or impose a cost or result in savings in federal funding to the State.

**Initial Determination Regarding Economic Impact on Business.** The Board has made an initial determination that the proposed rulemaking will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed rulemaking will not have a significant adverse economic impact on businesses because it does not directly affect any business in California. Businesses are not required to comply with or enforce the proposed rulemaking, and will not derive a benefit or suffer a detriment from its enforcement.

**Cost Impact on Representative Person or Business.** The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed rulemaking.

**Assessment of Effect on Jobs and Businesses.** The Board has determined that the proposed rulemaking will not significantly affect the creation or elimination of jobs in California; the creation of new businesses or the

elimination of existing businesses within California; or the expansion of businesses currently doing business in California.

**Initial Determination Regarding Impact on Housing Costs.** The Board has determined that the proposed rulemaking will not have a significant effect on housing costs.

**Determination Regarding Effect on Small Business.** The Board has determined that the proposed rulemaking does not affect small business. Small businesses are not legally required to comply with or enforce the proposed rulemaking, and will not derive a benefit or incur a detriment from its enforcement.

**Consideration of Alternatives.** The Board must determine that no reasonable alternative considered by the Board or otherwise identified and brought to the Board's attention would be effective in carrying out the purpose for which the rulemaking is proposed or would be as effective and less burdensome to affected private persons than the proposed rulemaking.

**Agency Representative and Designate Backup Contact Person.**  
Inquiries concerning this rulemaking action may be directed to:

Judith A. Kopec, Senior Staff Counsel  
Victim Compensation and Government Claims Board  
630 K Street, 5th Floor  
P.O. Box 48  
Sacramento, CA 95812-0048  
Telephone: (916) 327-1998  
Fax: (916) 327-2933  
E-mail: [jkopec@voc.ca.gov](mailto:jkopec@voc.ca.gov)

The designated backup person to whom inquiries may be directed in Ms. Kopec's absence is:

Melissa Turben, Legal Secretary  
Victim Compensation and Government Claims Board  
630 K Street, 5th Floor  
P.O. Box 48  
Sacramento, CA 95812-0048  
Telephone: (916) 327-1998  
Fax: (916) 327-2933  
E-mail: [mturben@voc.ca.gov](mailto:mturben@voc.ca.gov)

**Availability of Statement of Reasons and Text of Proposed Amended Regulation.** The Board has prepared an initial statement of reasons for the proposed rulemaking, and has available all the information upon which the proposed rulemaking is based and the text of the proposed amended regulation, which are available for public review. Copies of the initial statement of reasons and the text of the proposed amended regulation may be requested from the designated backup contact person identified above.

**Availability of Modified Regulation.** After the public comment period and public hearing, the Board may adopt the proposed amended regulation substantially as proposed. If substantive modifications that are sufficiently related to the original proposed amended regulation are made, the modified text will be made available at least 15 days before the Board adopts, amends, or repeals the resulting regulation.

**Availability of Final Statement of Reasons.** After the conclusion of the hearing and public comment period, the Board will prepare a final statement of reasons for this proposed rulemaking. Copies of the final statement of reasons may be obtained from the designated backup contact person identified above.

**Accessing Rulemaking Materials through Internet Web Site.** Documents pertaining to the proposed rulemaking can be accessed through the Board's internet web site. To do so, go to [www.boc.ca.gov](http://www.boc.ca.gov), then scroll to the "Featured Content" section, then to the "Legislation, Regulations, Rules and Precedent Decisions" section, then click on "Regulations," then click on "VCP Rulemaking 2003," click on "Emergency Awards" and select the document that you wish to view.